

REMARKS/ARGUMENTS

As a result of this Amendment, claims 19-28 are under active consideration in the subject patent application.

As a preliminary issue, during the prosecution of a corresponding International application, Applicants were made aware of the following references: U.S. Patents Nos. 3,365,791; 5,307,585; 5,573,111; 6,029,829; and 6,278,061. A copy of each of these references is attached to this Amendment for consideration by the Examiner, as a part of a Supplemental Information Disclosure Statement. No Fee is believed to be due in connection with this Supplemental Information Disclosure Statement, however, if the Examiner determines that a fee is required, she is hereby authorized to charge any additional fees in connection with this matter to Deposit Account No. 04-1679. Applicants submit that none of these references, alone or in combination with one another or in combination with U.S. Patent No. 4,506,856, issued to Rich et al., teach or suggest the present invention as defined by claims 19-28.

In the Official Action, the Examiner has:

- (1) objected to the Abstract;
- (2) rejected claim 23 under 35 U.S.C. §112, second paragraph; and
- (3) rejected claims 19-22 and 23-27 under 35 U.S.C. § 102(b) in view of U.S. Patent No. 4,506,856, issued to Rich et al.

With regard to Items 1 and 2, Applicants have amended the Abstract so as to remove the wording found offensive by the Examiner. Applicants respectfully submit that the Abstract conforms to the rules. Reconsideration and withdrawal of the objection to the Abstract are requested.

Applicants have also amended claim 23 by deleting the word "location" and inserting in its place the word --position --. Antecedent basis for the word "position" is found in lines 4-5 of claim 23. Reconsideration and withdrawal of the rejection of claim 23 under 35 U.S.C. §112, second paragraph are requested.

With regard to Item 3, Applicants have amended claims 19-20, 22-24, and 26, and added new claim 28 so as to better distinguish the present invention from U.S. Patent No. 4,506,856, issued to Rich et al. (the "Rich" reference). Claims 21 and 25 have been cancelled. In particular, claims 19 and 23 have been amended to make clear that Applicant's "attachment portion" comprises at least one curved cantilevered beam and is detachably engagable with a portion of the perforated panel. New claim 28 further defines specific distinct structures of the cantilevered strap that are not taught or suggested by the Rich reference. No new matter has been entered into the application as a result of these changes, support for which may be found throughout the specification and drawings, and particularly at paragraphs 48-49, and in at least Figs. 10 and 11.

Rich discloses a perforated panel hook construction having a fold-over locking flap operative to be inserted into snapping engagement in a hole in a perforated panel to firmly secure a hook in place on the perforated panel. When

the flap is pivoted about a living-hinge axis. When Rich's fold-over locking flap is received in a perforated panel, it forms an interference-type fit with a bottom alignment pin that extends rearwardly from a planar base portion of the perforated panel hook construction to lock the hook to the perforated panel. In this way, the hook is prevented from being laterally displaced or from becoming loose and disengaged from the perforated panel when bracket or support portion (22) is under load.

Significantly, at col. 2, lines 58-62, Rich states as follows:

" . . . The hook construction 10 is provided with a planar base portion 20 adapted to lie flat on the apertured perforated panel 16. A hook or bracket portion 22 extends generally perpendicularly from one side of the base. Extending from the opposite side of the planar base portion 20 are top and bottom, vertically spaced, alignment pins 24, 26. . . ."

Thus, Rich's support portion (22) is a non-curved hook or bracket. It could not, as postulated by the Examiner, be an equivalent structure to Applicant's cantilever, which acts to engage a portion of the perforated panel. Instead, Rich's support portion (22) projects away from the perforated panel and therefore could never be arranged so as to be detachably engagable with a portion of the perforated panel. Moreover, Fig. 3 of Rich shows that support (22) projects away from the perforated panel and could not possibly engage it.

Anticipation under 35 U.S.C. §102 requires that each and every element of the invention defined in the claim be met in a single prior art reference. Those elements must either be inherent or disclosed expressly, and must be arranged

as described in the claim. See, Diversitech Corporation v. Century Steps, Inc., 850 F.2d 675, 7 U.S.P.Q.2d 1315 (Fed. Circuit 1988), Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 7 U.S.P.Q.2d 1057 (Fed. Circuit 1988), and Richardson v. Suzuki Motor Company, 868 F. 2d 1226, 9 U.S.P.Q.2d 913 (Fed. Circuit 1989). Nowhere within the four corners of Rich et al., is there disclosure, or even a vague suggestion of an item holder for use with a perforated panel in which an attachment portion comprising at least one curved cantilevered beam and that is detachably engagable with a portion of a perforated panel. In fact, Rich teaches that support portion (22) “. . .extends generally perpendicularly from one side of the base. . .” and therefore away from the perforated panel (see, Fig. 3 of Rich).

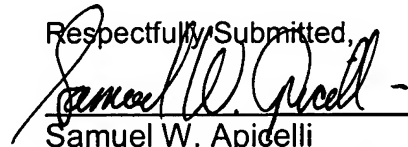
Applicants respectfully submit that claims 19-27 are not anticipated by U.S. Patent No. 4,506,856, issued to Rich et al., and claim 28 is allowable over Rich. Reconsideration and withdrawal of the rejection of claims 19-20, 23-24, and 26-27 under 35 U.S.C. §102(b) are requested.

Appl. No. 10/727,895
Docket No.: D4824-00043
Reply to Office Action of July 12, 2004

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicants' undersigned Attorney invites the Examiner to telephone him at 717-237-5516.

Date: 9/13/04

Respectfully Submitted,

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